

Entered - 06/11/01 - sb
CL01L0354 - DIANNE C. MITCHELL

01- R-1023


CLAIM OF: **BILLY ROBINSON**
606 Windchase Lane
Stone Mountain, Georgia 30083

For damages alleged to have been sustained as a result of a vehicular accident on March 22, 2001 at Randolph Street, NE and McGruder Street, NE.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **BILLY ROBINSON** the sum of **\$997.42** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on March 22, 2001 at Randolph Street, NE and McGruder Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0354

Date: June 21, 2001

Claimant /Victim BILLY ROBINSON

BY: (Atty)(Ins. Co.)

Address: 606 Windchase Lane, Stone Mountain, Georgia 30083

Subrogation: Claim for Property damage \$ 997.42 Bodily Injury \$

Date of Notice: 05/18/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 03/22/01 Place: Randolph Street, NE at McGruder Street, NE

Department Police Division:

Employee involved James S. Minnoch Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle pulled out from a stop sign to turn and because a truck was parked on the sidewalk, his view of the roadway was obstructed and he collided with the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 997.42 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Dianne C. Mitchell Concur/date 06-22-01

Committee Action: Council Action

FORM 23-61

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

MAY 18 2001

RE: CLAIM FOR DAMAGES

Today's Date: 5-12-01

ENTERED - 6-11-01 - DP
01L0354 - DIANNE MITCHELL

Dear Municipal Clerk:

MUNICIPAL CLERK

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 997⁴² TO 1,134.²⁶ proper and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 3/22/01 2. Time of Incident: AFTERNOON 3. Police called: X
(month/day/year) Yes No

4. Location of incident (including street address): CORNER OF 153 RANDOLPH AND McGRUDER ST

5. Name of your insurance company: ALLSTATE Policy No. 615810417 12/27

6. State what and how incident occurred: I WAS DRIVING ON RANDOLPH IN THE DIRECTION OF PONCE DE LEON. WHEN I REACHED THE CORNER OF McGRUDER AND RANDOLPH MY CAR WAS STRUCK BY AN ATLANTA POLICE CRUISER AFTER THE OFFICER RAN THE STOP SIGN. JAMES S. MINNDCH IS THE OFFICER INVOLVED IN THIS ACCIDENT.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: FORD 97 151 BILLY ROBINSON
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: JAMES S. MINNDCH ATL. POLICE DEPT.
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: JASON BROOKS 153 RANDOLPH ST 404-483-4853
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Billy Robinson
Signature of Claimant

BILLY ROBINSON
(Print Claimant's Name)

606 WINDCHASE LN.
(Address)

STONE MT. GA. 30083
(City, State and Zip Code)

7-469-7121
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0354

S 997.42

IN CONSIDERATION of the sum of NINE HUNDRED NINETY-SEVEN AND 42/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to James S. Minnoch, from any and all
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or
on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident
which occurred on or about the 22nd day of March, 2001

at or near Randolph Street, NE and McGruder Street, NE

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 26TH day of JUNE, 2001.

Billy Robinson (LS)
BILLY ROBINSON

The above release was read and explained to, and signed by the said BILLY ROBINSON

in our presence on the date above written.

Harry A. Sneed

WITNESSES

01-R -1023